

MAINE COMMUNITY COLLEGE SYSTEM

GENERAL ADMINISTRATION

Section 214.1

SUBJECT: SERVICE AND ASSISTANCE ANIMALS

PURPOSE: To provide guidelines and procedures for the presence of service and assistance animals on campus

A. Introduction

In accordance with pertinent laws, including the Americans With Disabilities Act of 1990 (“ADA”) and the ADA Amendments Act of 2008, MCCS adopts the following procedure.

B. Application

This procedure applies to MCCS students and employees, and Section F of this procedure applies to members of the public accessing MCCS facilities as a place of public accommodation.

C. Definitions

For purposes of this procedure, the following terms have the following meanings:

1. “Service animal” means any dog, and in certain circumstances, miniature horses, individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Other species of animals are not service animals for purposes of this definition.

The work or task that the animal performs must be directly related to the individual’s disability. Examples of such work include but are not limited to, assisting a sight impaired individual with navigation and other tasks; alerting individuals who are hearing impaired to the presence of people or sounds; providing nonviolent protection or rescue work; pulling a wheelchair; retrieving dropped items; assisting an individual during a seizure; providing physical support and support with balance and stability to an individual with a mobility disability; and assisting an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of the animal’s presence and/or the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purposes of this definition.

2. “Assistance animal” means an animal that has been determined necessary to mitigate the effects of a physical or mental disability by a physician, psychologist, physician’s assistant, nurse practitioner or licensed social worker. Unlike a service animal, an assistance animal does not assist a person with a disability with the activities of daily living or accompany the person at all times.
3. “Owner” means an individual who receives a disability accommodation for the use of a service or assistance animal.

D. When Permitted

Service and assistance animals are permitted when the animal is determined to be a service or assistance animal as defined in *Section C* and approved by the college as a reasonable accommodation for a documented disability, through the process described in *Section E*.

E. Process

1. Process to Use

Students shall use the process set forth in their college’s disability accommodations policy and procedures. Employees shall use the process set forth in *MCCS Policy 407 (Disability Accommodations in Employment)*.

2. Documentation

Students seeking an accommodation for the presence of a service or assistance animal must provide the following supporting documentation.

a. Service Animals

- 1) Documentation is not required when it is readily apparent from observation that the animal performs work or tasks related to its owner’s disability.
- 2) When it is not readily apparent to a college’s ADA coordinator that an animal is a service animal as defined by this policy, a college’s ADA policy and procedures for documentation of disability shall apply. In such cases, the individual requesting permission to have a service animal on campus in areas not open to the general public must provide a letter, dated and on letterhead, from a credible treating physician or mental health provider which allows a college to determine:
 - a) That the individual has a disability for which the animal is needed;
 - b) The work or task that the animal has been trained to perform; and
 - c) The relationship between the disability and the services that the animal provides.

- 3) A statement of good health from a licensed veterinarian and proof of any required immunizations and licensing must be provided with the request for the accommodation and on an annual basis thereafter.

b. Assistance Animals

Documentation of the need for an assistance animal shall follow a college's ADA policy and procedures for documentation of disability, and include the following information:

- 1) Verification of the individual's disability from a licensed physician, psychologist, physician's assistant, nurse practitioner, or social worker (individually and collectively "health professional"). Verification shall be in the form of a letter from the health professional, on letterhead, signed and dated, preferably within the prior six months, that includes the following information:
 - a) The length of time the health professional has been working with the student;
 - b) Whether the student has a verified disability;
 - c) A description of the animal and whether it was specifically prescribed as treatment for the student's verified disability;
 - d) How the animal serves as an accommodation for the verified disability, including the symptoms that will be mitigated by the presence of the animal, and any evidence that the animal has benefitted the student;
 - e) How the need for the animal relates to the ability of the student to use and enjoy a college's residential housing;
 - f) The degree of importance to the student's well-being that the animal be in residence on campus;
 - g) Whether the full-time sole responsibility of caring for an animal in residential housing will cause stress or otherwise negatively affect the student's ability to succeed in a college environment;
 - h) Any consequences related to the disability that may result if the accommodation is not approved; and
 - i) Any other pertinent information requested by a college
- 2) A statement of good health from a licensed veterinarian and proof of any required immunizations and licensing must be provided with the request for the accommodation and on an annual basis thereafter.

F. Rules and Requirements

Service and assistance animals are subject to the following rules and requirements.

1. Disability Accommodation Must Be Requested

Students and employees who desire to bring a service animal into places on campus that are not open to the general public, such as classrooms and/or employee work areas, and students who desire to have an assistance animal reside with them in college housing are required to request a disability accommodation for the presence of the animal. The college will determine, on a case by case basis and in accordance with applicable laws and policies, whether the animal is a reasonable accommodation.

2. Rules Regarding Service Animals

An approved service animal is allowed to accompany its owner in all areas accessible to the owner; provided that a college may prohibit the presence of service animals in certain locations due to health, environmental or safety restrictions.

Service animals and their owners shall be subject to the following rules and requirements while on campus. Service animals shall be:

- a. Fully housebroken, clean, and odor and pest free;
- b. The sole responsibility of the owner, including care and feeding and waste pick up and disposal;
- c. Attended at all times when out of doors;
- d. Well-behaved and not damage college or personal property, inflict injury on any person or create a nuisance, including but not limited to excessive noise, annoying, disruptive or threatening behavior;
- e. Kept up to date on any required licensing and immunizations, and have an annual statement of good health from a licensed veterinarian;
- f. Under the full control of and within close proximity to its owner at all times; and
- g. Leashed at all times while out of doors or in any campus building other than the owner's room, suite or apartment in campus housing, unless the owner is unable because of a disability to use a leash or the use would interfere with the performance of the animal's work or tasks. In such instances, the animal shall be under voice control.

3. Rules Regarding Assistance Animals

Approved assistance animals and their owners shall be subject to the following rules and requirements while on campus:

- a. The rules and requirements set forth in Section F.1.a-f;
- b. Dangerous, poisonous and/or illegal animals are not permitted;
- c. Animals approved as an accommodation for students who reside in college housing must be contained within the student's room, suite or apartment at all times, except when transported outside that area in an animal carrier or, in the case of dogs, controlled by leash or harness. Animals approved solely as an accommodation for residential living are not allowed in any college building other than the building in which the student resides; and
- d. While outdoors, dogs must be leashed or harnessed and all other animals must be either leashed if appropriate for the type of animal or otherwise under full control of the owner.

4. Liability for Damages

The owner of a service or assistance animal is responsible for the actions of the animal, including bodily injury and property damage and any resulting expenses, as well as for expenses incurred for cleaning services above and beyond a normal cleaning, including pest control services. A college shall have the right to bill the owner for any financial obligations attributable to the animal.

5. Notification of Roommates

If the animal will reside in student housing, all roommates shall be notified by a college that a roommate has an approved service or assistance animal. In the event that one or more roommates object to the presence of the animal, the owner and animal or the non-consenting roommate(s), as determined by a college, may be moved to an alternative location.

6. Agreement to Rules

An owner must agree in writing to comply with the rules applicable to the presence of an approved animal on campus. Reasonable rules in addition to those described in this section may be imposed by a college.

7. Violation of Rules

Violations of these rules, and any additional rules imposed by the college, may result in removal of the animal from campus, termination of the residential housing agreement, and/or subject the owner to disciplinary action under the Student Code of Conduct or the applicable collective bargaining agreement.

G. Exclusion or Removal of Animal

The college may exclude or remove an approved service or assistance animal when the:

1. Owner does not comply with applicable rules;
2. Animal poses a direct threat to the health, safety or property of others;
3. Animal or its presence creates an unmanageable disturbance or interference with the college community; or
4. Animal's presence results in a fundamental alteration of a student's program of study or an employee's position.

H. Members of the General Public

Members of the general public who use a service animal as defined by this policy and who access a M CCS facility as a public accommodation shall be allowed into areas accessible to the general public. Campus personnel may inquire into: 1) whether the animal is necessary because of the owner's disability; 2) whether it has been trained to perform work or tasks that are directly related to the disability; and 3) the nature of the tasks or work that it has been trained to perform. Any issues regarding whether an animal qualifies as a service animal shall be referred to the college's ADA coordinator or his/her designee.

Specially trained service dog trainers, while engaged in the actual training process and activities of service dogs, shall have the same access to and use of a M CCS facility as a person with a disability accompanied by a service animal.

Members of the general public are prohibited from bringing an assistance animal into a M CCS facility.

I. Reservation of Rights

This policy as it applies to assistance animals in housing is premised on the federal department of Housing and Urban Development's interpretation of "dwelling," as defined in the Fair Housing Act, to include residential housing provided by educational institutions to their students. No provision of this policy shall be interpreted as a waiver of M CCS's right to challenge the interpretation of "dwelling," to include student housing.

REFERENCES: 5 M.R.S.A. §4551, *et seq*; 42 U.S.C. §12101, *et seq*; 42 U.S.C. §3602; 42 U.S.C. §3604(f)(3)(B); 17 M.R.S.A. §1312; and *M CCS Policy 407*.

DATE ADOPTED: September 27, 2016

DATE(S) AMENDED: January 21, 2020